



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

TODD M. KINSELLA

Serial No. 09/800,770

Filed: March 6, 2001

For:

**IN VIVO PRODUCTION OF CYCLIC
PEPTIDES**

Atty Docket No. A-68614-1/RMS/RMK

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, BOX INITIAL PATENT EXAMINATION DIVISION, MISSING PARTS/FEE, Washington, DC 20231 on August 24, 2001.

Signed: Jere Valles

Jere Valles

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents
BOX: INITIAL PATENT EXAMINATION DIVISION
MISSING PARTS/FEE
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed June 25, 2001, a copy of which is enclosed, Applicants timely submit the following:

Applicant is entitled to claim small entity status (37 § CFR 1.27).

- ☒ Executed Declaration of Inventor
- ☒ Executed Power of Attorney by Assignee and Exclusion of Inventor
- ☒ Preliminary Amendment
- ☒ Paper Copy of Sequence Listing and Disk Containing Sequence Listing
- ☒ Formal Drawings (52 sheets)
- ☒ A check is enclosed for **\$702.00** for:

Basic Filing Fee:	\$ 355.00
Small Entity Surcharge:	65.00
Claims in Excess of 20:	27.00
Independent Claims in Excess of 3:	120.00
Multiple Dependent Claim Surcharge:	135.00

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our File A-68614-1/RMS/RMK).

Respectfully submitted,

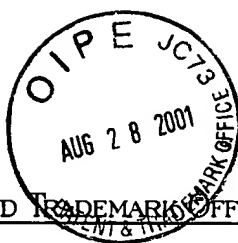
FLEHR HOHBACH TEST
ALBRITTON & HERBERT, LLP

Date: 8/24/01

By Renee M. Kossak

Renee M. Kossak, Reg No. 47,717 for
Robin M. Silva, Reg No. 38,304

4 Embarcadero Center Suite 3400
San Francisco, CA 94111
(415) 781-1989



#3

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/800,770	03/06/2001	Todd Kinsella	A-68614-1/RMS/RMK

12/10/2002 HMDHAM1 00000015 502319 09800770

01 FC:2201 120.00 CH

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

Repln. Ref: 12/10/2002 HMDHAM1 0011303400
DA# 502319 Name/Number: 09800770
FC: 9204

CONFIRMATION NO. 3911

FORMALITIES LETTER



0C000000006218868

06/27/2002 NPROSASO 00000009 09800770

01 FC:202

80.00 OP

Date Mailed: 06/25/2001

Adjustment date: 06/27/2002 NPROSASO
08/30/2001 CCHAU1 00000050 09800770
04 FC:202 -120.00 OP

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/30/2001 CCHAU1 00000050 09800770

01 FC:201 355.00 OP ✓
02 FC:205 65.00 OP ✓
03 FC:203 27.00 OP ✓
04 FC:202 120.00 OP ✓
05 FC:204 135.00 OP ✓

FILED UNDER 37 CFR 1.53(b)

12/10/2002 HMDHAM1 00000014 09800770

01 FC:2202

18.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$255. 06/27/2002 NPROSASO 00000010 061300 09800770
 - \$120 for 3 independent claims over 3. 01 FC:203 204.00 CH 40.00 OP
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 675.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

Adjustment date: 12/10/2002 HMDHAM1
08/30/2001 CCHAU1 00000050 09800770
03 FC:203 -27.00 OP


09800770 00000050 09800770
355.00 OP
65.00 OP
27.00 OP
120.00 OP
135.00 OP
204.00 CH
40.00 OP
-27.00 OP

- drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE